

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

THE CHEROKEE NATION,

Plaintiff,

v.

Case No. 23-CV-258-Raw

CVS CAREMARK, LLC, et al.,

Defendant.

ORDER

Before the Court is Magistrate Judge Gerald Jackson's Report and Recommendation [Dkt. No. 61] on Plaintiff's Motion to Retain Jurisdiction Over Arbitrability of Claims [Dkt. No. 33] and on the Motion and Supporting Memorandum of Law of Defendants CVS Caremark, LLC, Caremark, PHC, LLC, Caremark Health, LLC, Caremark, LLC, Caremark, RX, LLC, Aetna Inc., and Aetna Health Inc. to Stay Proceedings Pending Arbitration in the District of Arizona [Dkt. No. 46]. Magistrate Judge Jackson recommended that the Plaintiff's Motion to Retain Jurisdiction be Denied, and Defendants' Motion to Stay be Granted. Plaintiff timely objected [Dkt. No. 63].

The district court must conduct a de novo review of the magistrate judge's report and recommendation if a party objects to the magistrate's findings. 28 U.S.C. § 636(b)(1); *Northington v. Marin*, 102 F.3d 1564, 1570 (10th Cir. 1996) (“De novo review is required after a party makes timely written objections to a magistrate's report. The district court must consider the actual testimony or other evidence in the record and not merely review the magistrate's report and recommendations.”) The court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b). De novo review requires the district court to consider relevant evidence of record and not merely review the magistrate judge's recommendation. *Id.*

Magistrate Judge Jackson advised that the motion to Retain Jurisdiction [Dkt. No. 33] be Denied and that the Motion to Stay [Dkt. No. 46] be granted. After a de novo review, the Court determines that the Report and Recommendation is well-supported by the evidence and the prevailing legal authority. As Magistrate Judge Jackson found, this case should be stayed pending arbitration. The Report and Recommendation [Dkt. No. 63] is hereby affirmed and adopted as this Court's Findings and Order.

IT IS SO ORDERED this 15th day of August, 2024.



**THE HONORABLE RONALD A. WHITE
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF OKLAHOMA**